

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOSE CONTRERAS,
Plaintiff,

v.

BANK OF AMERICA, ET AL,
Defendants.

No. C 11-00068 CRB

ORDER DISMISSING CASE

Plaintiff filed this action in January 2011. Dkt. 1. Judge Fogel granted Defendants' Motion to Dismiss on August 23, 2011 and ordered that Plaintiff amend the Complaint within thirty days. Dkt. 24. Plaintiff failed to file an amended complaint. On October 18, 2011, Defendants filed a Motion to Dismiss for failure to prosecute pursuant to Fed. R. Civ. P. 41(b) due to Plaintiff's failure to file an amended complaint. Dkt. 30. This Court ordered Plaintiff to show cause why his case should not be dismissed for failure to prosecute under Federal Rule of Civil Procedure 41(b) by Monday, November 28, 2011. On Monday, November 28, 2011, Plaintiff responded by filing an Amended Complaint. The Court will construe the Amended Complaint additionally as a response to the OSC, that the Court accepted.

Defendants filed a Motion to Dismiss the Amended Complaint on December 5, 2011. Dkt. 35. Plaintiff's Response was due December 19, 2011. Plaintiff has failed to file any response. Accordingly, the Court ordered Plaintiff to show cause why his case should not be

1 dismissed for failure to prosecute under Federal Rule of Civil Procedure 41(b) by Tuesday,
2 January 10, 2012 at 5:00 p.m. Dkt. 37. Plaintiff failed to file any reply. Thus, the OSC
3 hearing scheduled for Friday, January 20, 2012 is hereby VACATED. Plaintiff's complaint
4 is hereby DISMISSED for failure to prosecute pursuant to Federal Rule of Civil Procedure
5 41(b).

6 **IT IS SO ORDERED.**

7
8
9 Dated: January 18, 2012



CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE